

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§24–306.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Adult mattress” means any mattress other than a toddler mattress, a crib mattress, or any other infant sleep product.

(3) “Flame-retardant chemical” means a chemical that:

(i) Is used to resist or inhibit the spread of fire or act as a synergist to chemicals that resist or inhibit the spread of fire, including any chemical for which the term “flame retardant” appears on a safety data sheet developed in accordance with 29 C.F.R. 1910.1200(g); and

(ii) 1. Contains one or more halogen elements, including fluorine, chlorine, bromine, or iodine;

2. Contains one or more carbon elements and one or more phosphorus elements;

3. Contains one or more carbon elements and one or more nitrogen elements; or

4. Is a nanoscale chemical.

(4) (i) “Juvenile product” means a consumer product intended for use by a child under the age of 12 years.

(ii) “Juvenile product” includes a bassinet, a booster seat, a changing pad, a children’s nap mat, a floor playmat, a high chair, a high chair pad, an infant bouncer, an infant carrier, an infant seat, an infant swing, an infant walker, a nursing pad, a nursing pillow, a playpen side pad, a play yard, a portable hook-on chair, and a stroller.

(iii) “Juvenile product” does not include:

1. A product that is not primarily intended for use in the home, including a product that is, or is a component part of, a motor vehicle, a watercraft, an aircraft, or any other vehicle;

2. A product regulated under 49 C.F.R. Part 571;
3. A consumer electronic product; or
4. A product regulated under § 24–306 of this subtitle.

(5) “Mattress” has the meaning stated in 16 C.F.R. § 1632.1.

(6) “Reupholstered furniture” means furniture for which the original fabric, padding, decking, barrier material, foam, or other resilient filling has been replaced and that has not been sold since the time of replacement.

(7) “Upholstered furniture” means furniture that includes filling materials, barrier materials, decking materials, or cover fabrics.

(b) This section does not apply to the sale or distribution of a juvenile product, mattress, upholstered furniture, or reupholstered furniture that is resold, offered for resale, or distributed by a consumer for consumer use.

(c) (1) This subsection does not apply to:

(i) An electronic component, or the casing for an electronic component, of a juvenile product, mattress, upholstered furniture, or reupholstered furniture;

(ii) A component of upholstered or reupholstered furniture other than cover fabric, barrier material, resilient filling material, and decking material;

(iii) Thread or fiber when used for stitching mattress components together; or

(iv) Except for foam, a component of an adult mattress.

(2) A person may not import, sell, or offer for sale any juvenile product, mattress, upholstered furniture, or reupholstered furniture that contains more than 0.1% of flame–retardant chemicals by mass.

(d) (1) Subject to paragraph (2) of this subsection, if a person willfully violates this section, the Secretary may assess a civil penalty:

(i) For a first violation, not exceeding \$2,500;

(ii) For a second violation, not exceeding \$5,000;

(iii) For a third violation, not exceeding \$7,500; and

(iv) For any subsequent violation, not exceeding \$10,000 for each violation.

(2) In determining the amount of a penalty under paragraph (1) of this subsection, the Secretary shall consider:

(i) The nature and severity of the violation;

(ii) The good faith of the person;

(iii) The history of violations by the person; and

(iv) The extent to which the person cooperated with any investigation by the Department.

(e) On or before June 1, 2021, the Department shall adopt regulations to carry out this section.

[\[Previous\]](#)[\[Next\]](#)